

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Quintel West,

Plaintiff,

Case No. 13-cv-14551

v.

Judith E. Levy

United States District Judge

Robert Bean, *et al.*,

Mag. Judge Mona K. Majzoub

Defendants.

\_\_\_\_\_/

**ORDER GRANTING APPLICATION TO PROCEED ON APPEAL  
*IN FORMA PAUPERIS* [47] AND DENYING AS MOOT  
PLAINTIFF'S REQUEST FOR ORDERING OF THE RECORD  
FROM THE REPORTER [49]**

On September 9, 2016, the Court entered an opinion and order denying plaintiff's objections to the Report and Recommendation, granting defendants' motion for summary judgment, and denying plaintiff's motion for summary judgment. (Dkt. 42.) An amended judgment was entered the same day. (Dkt. 43.) On September 29, 2016, plaintiff filed a notice of appeal of that order (Dkt. 44), and a motion to proceed *in forma pauperis* on appeal. (Dkt. 47.)

The Court may grant *in forma pauperis* status if it finds that an appeal would be taken in good faith. See 28 U.S.C. § 1915(a)(3); *Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002) (“The standard for issuing a certificate of appealability has a higher threshold than the standard for granting *in forma pauperis* status, which requires showing that the appeal is not frivolous.”) (citing *United States v. Youngblood*, 116 F.3d 1113, 1115 (5th Cir. 1997)). “‘Good faith’ merely requires showing that the issues are arguable on the merits; it does not require a showing of probable success.” *Foster*, 208 F. Supp. 2d at 765.

The Court has reviewed plaintiff’s prisoner trust fund account and affidavit (Dkt. 46), and finds that plaintiff is indigent. The Court also finds that an appeal would be taken in good faith because some of the issues “are arguable on the merits,” so plaintiff may proceed *in forma pauperis* on appeal. *Foster*, 208 F. Supp. 2d at 765.

Related to his appeal, plaintiff filed a request for ordering of the record from the reporter. (Dkt. 49.) Plaintiff seeks to have the court reporter “prepare any and all transcript[s] of proceedings in this case, on and off the file[,] and to [m]ail him a copy.” (*Id.* at 1.) Because there

were no proceedings for which a record was taken by the court reporter, plaintiff's motion is moot.

Accordingly, plaintiff's motion to proceed *in forma pauperis* on appeal (Dkt. 47) is GRANTED.

Plaintiff's request for ordering of the record from the reporter (Dkt. 49) is DENIED as moot.

IT IS SO ORDERED.

Dated: October 19, 2016  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 19, 2016.

s/Felicia M. Moses  
FELICIA M. MOSES  
Case Manager